

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF GENERAL SERVICES
DIVISION OF ENGINEERING AND BUILDINGS
1100 Bank Street
RICHMOND, VA. 23218-1199

SUMMARY OF CONTRACT AWARD

1. DATE.....June 2, 2010
2. COMMODITY NAME.....Construction Services, General;
Construction Services, Electrical
3. CONTRACT NUMBER.....DEB03012010--PCOND
4. CONTRACT PERIOD..... DEB03012010--PCOND (07/1/2010 –
6/30/2012 – 3 one year renewals remaining)
5. AUTHORIZED USERS.....Public Bodies
6. CONTRACTORS.....Listed on Last Page of this
Document
7. TERMS.....Net 30 days
8. DELIVERY.....As requested
9. F.O.B.....Not applicable
10. FOR FURTHER CONTRACT INFORMATION CONTACT: Gary A. Pleskac
(804)786-0048
e-mail: Gary.Pleskac@dgs.virginia.gov

Notice: This Notice of Contract Award is being provided to you to announce the vendors to whom the Power Conditioning services have been awarded to. You may begin using the Contractors immediately using the information provided herein. Any questions concerning the provisions of the contract should be directed to the Contract Officer listed above.

By: _____
Gary A. Pleskac, VCO
Contract Officer

Instructions to Agencies

Supplemental Terms and Conditions

The following items apply to this contract for state agencies: Web link for the forms
<http://www.dgs.state.va.us/FormsCenter/DEBForms/tabid/826/Default.aspx>

GENERAL CONDITIONS & FORMS

General Conditions of the Construction Contract	CO-7
Supplemental General Conditions	
Listing of Required Structural and Special Inspections	CO-6b
Contract Between Owner and Contractor	CO-9
Workers Compensation Certificate of Insurance	CO-9a
Standard Performance Bond,	CO-10
Standard Labor and Material Payment Bond	CO-10.1
Construction Change Order	CO-11
Change Order Estimate (General Contractor)	GC-1
Change Order Estimate (Subcontractor)	SC-1
Change Order Estimate (Sub-subcontractor)	SS-1
Schedule of Values and Certificate for Payment	CO-12
Affidavit of Payment of Claims	CO-13
Contractor's Certificate of Substantial Completion	CO-13.2a
Contractor's Certificate of Completion	CO-13.2

**PROCUREMENT PROCESS FOR USING THE PRE-QUALIFIED POWER CONDITIONING
CONTRACTORS LIST
AS SOLICITED BY THE DEPARTMENT OF GENERAL SERVICES, DIVISION OF ENGINEERING
AND BUILDINGS**

CONTRACT RESTRICTED TO PUBLIC BODIES

The per-project (task order) limit is set at \$500,000.00.

**COMPETITIVE NEGOTIATION PROCESS FOR THE PREQUALIFIED POWER CONDITIONING
POOL**

Pertinent Code of Virginia:

§ 2.2-4303:

"D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

2. By any (a) public body for the construction, alteration, repair, renovation or demolition of buildings when the contract is not expected to cost more than \$1 million and (b) local governing body on a fixed price design-build basis or construction management basis under § 2.2-4308 when the contract is not expected to cost more than \$1 million"

Documentation for the File:

Here is sample wording to use for documenting your procurements of construction services under this contract:

The Code of Virginia Section 2.2-4303 allows for the use of competitive negotiation for soliciting construction services based a written determination made by the agency. This letter is to document this determination.

Generally, the primary advantage to utilizing this pre-qualified pool of vendors for small jobs will be the ability to expedite procurement since a portion of the procurement process has already been completed. The negotiated process utilizes a pre-qualified pool of contractors whose qualifications have been reviewed and are certified with DMBE as SWaM contractors therefore meeting the requirements of EO33.

This process will expedite the delivery of the services to the agency, allow for the work to begin earlier, and allow for the agency to refine the costs since this will be an open book pricing scenario. Due to use of competitive negotiation, the agency will be able to review and discuss the cost of the project and work with the contractor and design team to assure that all elements of the project are addressed before a contract is signed or construction begins.

This process should greatly reduce change orders and misunderstandings in the work to be performed. This process of using a pre-qualified pool will also reduce the cost to the agency for newspaper advertising and reproduction costs of design documents. This process will also allow for quicker delivery of the work, especially when critical.

Competitive Negotiation Process:

For the purposes of the contract competitive negotiations shall be conducted as described in Code of Virginia § 2.2-4301:

"b. Procurement of other than professional services. Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror."

NEGOTIATED PROCESS FOR SINGLE PROJECTS WITH AN ESTIMATED VALUE LESS THAN \$50,000:

Step 1 – Select a minimum of 2 contractors from the pre qualified list for the services required.

Step 2 – Issue the standard invitation via fax or email to the selected firms. The minimum designated time for contractors to respond to the solicitation is 21 days. This critical as contractors need adequate time to prepare proper estimates. Here is sample wording for the invitation:

Sealed proposals are invited to furnish and install ----- in accordance the documents and specifications which are available for pick up or at the conference. [agency to choose process for distribution of plans]

The project is generally described as...

Sealed proposals will be received at the Facilities Office located ---provide street address, floor no. suite, etc.--- on ---date and year---. Proposals are to the attention of person and title. The deadline for submitting bids is 2:00 P.M. sharp, as determined by the Contracting Officer.

A MANDATORY/OPTIONAL PRE PROPOSAL CONFERENCE WILL BE HELD ---date, time, and location---. CONTRACTORS ARE RESPONSIBLE FOR VISITING THE SITE AND CONFIRMING THE WORK. YOUR SUBMISSION IS ACKNOWLEDGEMENT THAT YOU HAVE VISITED THE SITE AND UNDERSTAND THE SITE CONDITIONS.

eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION: The bidder or offeror must be a registered vendor in eVA to be awarded this contract.

The contract shall be awarded on a lump sum basis based on competitive negotiations.

Contractor registration in accordance with Section 54.1-1103 of the Code of Virginia, is required.

Step 3 – Receive the proposals and evaluate the proposals. Here is a recommended scoring system:

Pricing	50 points out of 100
Means, Methods, and Schedule	50 points out of 100

The Means, Methods, and Schedule is the contractor's understanding of the execution of the work and is the agency's opportunity to review the Means, Methods, and Schedule with the contractor prior to any award decision.

Perform competitive negotiation as described above.

Step 4 – Once a successful contractor has been selected, issue a Notice of Award CO9.1a and a Construction Contract CO9. The CO forms apply to state agencies and may be used by other public bodies or they may use their contract formats. Issue a purchase order in eVA.

Important File Facts:

- In all cases include all negotiation notes and decisions with your contract and purchase order.
- In all cases include your document on the selection of negotiation versus sealed bidding.
- Remember to issue a purchase order for the value of the contract in eVA.

NEGOTIATED PROCESS FOR SINGLE PROJECTS WITH AN ESTIMATED VALUE GREATER THAN \$50,000:

Step 1 – Select a minimum of 4 contractors from the pre qualified list for the services required.

Step 2 – Issue the standard invitation via fax or email to the selected firms. The minimum designated time for contractors to respond to the solicitation is 30 days. This critical as contractors need adequate time to prepare proper estimates.

Here is sample wording for the invitation:

Sealed proposals are invited to furnish and install ----- in accordance the documents and specifications which are available for pick up or at the conference. [agency to choose process for distribution of plans]

The project is generally described as...

Sealed proposals will be received at the Facilities Office located ---provide street address, floor no. suite, etc.--- on ---date and year---. Proposals are to the attention of person and title. The deadline for submitting bids is 2:00 P.M. sharp, as determined by the Contracting Officer.

A MANDATORY/OPTIONAL PRE PROPOSAL CONFERENCE WILL BE HELD ---date, time, and location---. CONTRACTORS ARE RESPONSIBLE FOR VISITING THE SITE AND CONFIRMING THE WORK. YOUR SUBMISSION IS ACKNOWLEDGEMENT THAT YOU HAVE VISITED THE SITE AND UNDERSTAND THE SITE CONDITIONS.

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Perform competitive negotiation as described above.

Step 4 – Once a successful contractor has been selected, issue a Notice of Award CO9.1a and a Construction Contract CO9. If the contract has a value greater than \$100,000 then the Bonds CO10 and CO10.1 shall be completed by the contractor. The CO forms apply to state agencies and may be used by other public bodies or they may use their contract formats. Issue a purchase order in eVA.

Important File Facts:

- In all cases include all negotiation notes and decisions with your contract and purchase order.
- In all cases include your document on the selection of negotiation versus sealed bidding.
- Remember to issue a purchase order for the value of the contract in eVA.

SPECIAL TERMS AND CONDITIONS

1. **AWARD TO MULTIPLE OFFERORS:** Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals on the basis of the evaluation factors included in the Request for Proposals, including price, if so stated in the Request for Proposals. Negotiations shall be conducted with the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the agency shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. The Commonwealth reserves the right to make multiple awards as a result of this solicitation. The Commonwealth may cancel this Request for Proposals or reject proposals at any time prior to an award, and is not required to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous (Code of Virginia, § 2.2-4359D). Should the Commonwealth determine in writing and in its sole

discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror. The award document will be a contract incorporating by reference all the requirements, terms and conditions of the solicitation and the contractor's proposal as negotiated.

2. **RENEWAL OF CONTRACT:** This contract may be renewed by the Commonwealth from the date of award for (two years) with (3 successive one year periods) under the terms and conditions of the original contract except as stated in 1. and 2. below. Price increases may be negotiated only at the time of renewal. Written notice of the Commonwealth's intention to renew shall be given approximately 90 days prior to the expiration date of each contract period.
 1. If the Commonwealth elects to exercise the option to renew the contract for an additional one-year period, the contract price(s) for the additional one year shall not exceed the contract price(s) of the original contract increased/decreased by more than the percentage increase/decrease of the Services category of the CPI-W section of the Consumer Price Index of the United States Bureau of Labor Statistics for the latest twelve months for which statistics are available.

LISTING OF CONTRACTORS

American Energy Services (AES)
23601 Laytonsville Road
Laytonsville, MD 20882
Ph. (301) 482-0025
Fax (301) 482-0048
Email: krobertshw@aeservices.us
Contact: Kevin Robertshaw

Continental Power Corporation
9401 Springhouse Drive
Chesterfield, VA 23832
Ph. (804) 921-4451
Email: stormgrid@gmail.com
Contact: Jeffrey Waddill

TechSys Power International
P.O. Box 190
Patrick Springs, VA 24133
Ph. (276) 694-6790
Fax (276) 692-6603
Email: dreagan@techsyspower.com
Contact: David Reagan

Triangle Electric Corp.
560 Bouldin Rd
Ridgeway, VA 24148
Ph. (276) 957-2281
Fax (276) 957-1049
Email: chbtriangle@earthlink.net
Contact: Charles Bradshaw

Truland Service Corp.
5300 S. Laburnum Ave.
Richmond, VA 23231
Ph. (804) 652-2801
Fax (804) 652-1821
Email: cavery@truland-service.com
Contact: Christopher Avery

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF GENERAL SERVICES – DIVISION OF ENGINEERING AND BUILDINGS
REQUEST FOR PROPOSALS/PRE QUALIFICATION PROCESS
RFP # GAP03/01/2010—PCOND (DEB03012010—PCOND)

Issue Date: March 1, 2010

RFP# GAP 03/01/2010—PCOND (DEB03012010—PCOND)

Title: Statewide Power Conditioning Contractor Prequalification

Commodity Code: 91200 (Construction Services, general), 91438 (Construction Services, electrical)

Issuing Agency:

Commonwealth of Virginia
Department of General Services
203 Governor Street
Richmond, VA 23219-1199

Using Agency And/Or Location:
Where Work Will Be Performed:

For use by public bodies
Statewide

Initial Period of Contract: From date of award through two years with 3, one-year renewals. (*Renewable).

Sealed Proposals Will Be Received Until April 2, 2010, 2 PM EST For Furnishing The Goods/Services Described Herein.

All Inquiries For Information Should Be Directed To: Gary Pleskac, Phone: (804) 786-0048; FAX (804) 371-2711

No questions will be answered by phone. All questions are due by 4:00 pm EST on or before March 26, 2010. The addendum will be posted on the VBO and it is the responsibility of the Offeror to download the addendum.

IF PROPOSALS ARE MAILED, SEND DIRECTLY TO ISSUING AGENCY SHOWN ABOVE. IF PROPOSALS ARE HAND DELIVERED, DELIVER TO: If bids are delivered or mailed or delivered by courier they shall be received by the bid officers, either Shirley McNutt or Gary Pleskac at the Office of Construction and Facilities Procurement located on the ground floor at 203 Governor Street. Access to this office is through the main entrance double glass doors located on Governor Street, and turn left in the elevator lobby. Proceed up the stone step to the Construction and Facilities Procurement Office. Any bids delivered elsewhere in the building and not present in the Construction and Facilities Procurement Office with the bid officer at the specified time and date will not be considered.

Gary A. Pleskac, VCO
Construction and Facilities Procurement Office
Bureau of Facilities Management
Zincke Building
203 Governor Street, Room 100P
Richmond, VA 23219
Phone Number is (804)786-0048 and FAX (804)371-2711
E-mail: gary.pleskac@dgs.virginia.gov

In Compliance With This Request For Proposal And To All The Conditions Imposed Therein And Hereby Incorporated By Reference, The Undersigned Offers And Agrees To Furnish The Goods/Services In Accordance With The Attached Signed Proposal Or As Mutually Agreed Upon By Subsequent Negotiation.

* Virginia Contractor License No. _____
Class: _____ Specialty Codes: _____

Name And Address Of Firm:

_____	Date: _____
_____	By: _____
_____	(Signature In Ink)
_____	Name: _____
_____	(Please Print)
_____ Zip Code: _____	Title: _____
EVA Vendor ID or DUNS number _____	Phone: (____) _____
E-mail: _____	Fax: (____) _____

OPTIONAL PRE PROPOSAL MEETING:

There will be one optional pre proposal meeting. The purpose of this meeting is to answer questions on the prequalified program and to assist contractors in completing the package information required. Attendance at this session is not mandatory, but is recommended if you need assistance in completing the information or have questions.

March 19, 2010 from 10:00 am – noon location is Patrick Henry Building
Patrick Henry Building
1111 East Broad Street
1st floor East Reading Room
Richmond, Virginia

Note: This public body does not discriminate against faith-based organizations in accordance with the *Code of Virginia*, § 2.2-4343.1 or against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment.

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- VI. REPORTING AND DELIVERY INSTRUCTIONS
- VII. PREPROPOSAL CONFERENCE
- VIII. SPECIAL TERMS AND CONDITIONS
- IX. METHOD OF PAYMENT
- X. PRICING SCHEDULE
- XI. ATTACHMENTS
 - A. Specification on Low Voltage Power Factor Filtering
 - B. Specification on Surge Protection Devices and Transient Voltage Surge Suppressors
 - C. Specification on Active Harmonic Filtering
 - D. CO-16
 - E. GC6
 - F. GC8
 - G. CO7

I. **PURPOSE:** The purpose of this Request for Proposal is to solicit sealed proposals from offerors to establish statewide pre-qualified contractors in the area of Power Conditioning. This is a multiple award contract that will be used by public bodies. This contract is being solicited by DGS, but will be used by other public bodies as well as DGS.

This contract will provide public bodies the opportunity to call in contractors to provide Power Conditioning-related services.

II. **BACKGROUND:** The public bodies of the Commonwealth have several contracting needs for Power Conditioning in the areas listed below. **The complete specifications are posted as separate PDF attachments (A through C) and are incorporated herein by reference:**

1) **Low Voltage Power Factor Filtering:** See Section III.C.1 Below for Specification Synopsis

2) **Surge Protection Devices (SPD) & Transient Voltage Surge Suppressors (TVSS):** See Section III.C.1 Below for Specification Synopsis

3) **Active Harmonic Filtering:** See Section III.C.1 Below for Specification Synopsis

Contractors shall address how they meet their respective specification areas in their narratives responding to this RFP, primarily in the CO-16 and the GC forms (Attachments E and F).

The Commonwealth defines the terms and conditions for all contractors in the Construction and Professional Services Manual, latest edition and revisions. This manual and its defined terms and conditions for construction will prevail.

The per-project (task order) limit is set at \$1,000,000.00.

III. **STATEMENT OF NEEDS:**

A.1 Requirements (General Contractor)

The General Contractor shall be a Class A, B, or C registered Contractor in the Commonwealth of Virginia. The Contractor shall be registered under the established regulations as established and revised by the Virginia Board of Contractors, Department of Professional and Occupational Regulations.

The Contractor shall provide all labor, materials, insurance, bonds where applicable, transportation, etc. to fully support this construction contract.

The Contractor shall have an office staff that is responsible for providing clerical support to the Contractor and providing contact for the Owner to the Contractor.

The Contractor shall assign a contact person to this contract that is available from 7:00 am – 5:00 PM on weekdays. After hours, the Contractor shall provide for an on-call service for the Owner.

The Contractor shall perform all work in accordance with the Owner's documents, which may be comprised of AE design documents, hand sketches, or Owner designed documents.

The Contractor shall provide a project schedule when requested by the Owner.

The Contractor shall not assess delay claims against the Owner due to delays that are beyond the Owner's control.

The Contractor shall provide skilled trades people registered with the Commonwealth of Virginia Department of Professional and Occupational Regulations for all work on this contract.

The Contractor shall perform all work in accordance with the standards and practices applicable to the trades with personnel certified in the trades.

The Contractor shall adhere to all applicable state and federal codes including the Virginia Uniform Statewide Building Code and the Virginia Department of Labor and Industry Standards for job safety.

The Contractor shall provide all first quality materials that comply with the American Society for Testing Materials (ASTM).

The Contractor shall be financially sound and capable of carrying the cost of materials and labor. The Contractor shall meet all employee payroll in a timely manner and shall pay any subcontractors within seven days of payment by the Owner.

The Owner will perform a credit check as part of the evaluation process to verify that the General Contractor does not have a history of late payments, out standing debt or tax liens.

The Contractor shall have a substantial completion date and a final completion date on all work. The Contractor will be assessed actual damages for failure to meet final completion dates due to labor or material issues not the fault of the Owner.

The Contractor shall co-ordinate all work of the trades on a project and provide on site supervision of all trades.

All work estimated at over \$100,000 will require bonding by the contractor.

A.2 Requirements (Sub-Contractor)

The Sub contractors used by the Prime Contractor in the performance of this contract shall be registered contractors in their specialties in the Commonwealth of Virginia. The sub contractors shall be registered under the established regulations as established and revised by the Virginia Board of Contractors, Department of Professional and Occupational Regulations.

The sub contractor shall comply with all requirements listed above with the exception of bonding.

B.1 General Requirements

Respondents acknowledge and comply with the CO-7 Terms and Conditions of the Construction Contract. *(Attachment D)*

C.1 Technical Requirements (Specifications) This section outlines the specific needs of the Commonwealth regarding 3 general areas of Power Conditioning. *Complete specifications are posted as separate PDF attachments to this solicitation.*

1) Low Voltage Power Factor Filtering:

This specification defines the electrical and mechanical characteristics and requirements for Low Voltage (less than 600 VRMS) Power Factor Correction filters. This specification will also address both energy savings and lowering facility maintenance budget through cleaner power. This specification will focus on Power Factor correction at the LOAD (motor) for over 100 amps and under 100 amps and does not replace any requirements for a Medium Voltage Power Factor solution normally installed at a location near the Power Company service entrance connection. The offerer will propose the methods used to determine both the energy savings and the power quality survey. Specifications of proposed equipment shall be supplied

2) Surge Protection Devices (SPD) & Transient Voltage Surge Suppressors (TVSS):

This section is focused on protecting facilities with Surge Protection Devices (formerly known as TVSS). The Commonwealth is pursuing a whole building approach to surge protection to maximize protection of equipment and building systems. The offerer will propose the methods to be used to select and apply the surge suppression system. Specifications of proposed equipment shall be supplied.

3) Active Harmonic Filtering:

This specification defines the electrical and mechanical characteristics and requirements for active harmonic filters (AHF) in order to meet 5% total demand distortion [TDD], <5% total harmonic voltage distortion [THD(V)], and specified displacement power factor levels at selected points within the electrical system. The offerer will propose the methods used to select and applying (AHF). Specifications of proposed equipment shall be supplied. The James Madison Building located at 109 Governor Street, Richmond Virginia will be used as a test site to determine pricing.

C.2 Procurement Process Requirements This section outlines how this contract will work.

PROCUREMENT PROCESS FOR USING THE PRE-QUALIFIED CONTRACTORS LIST AS SOLICITED BY THE DEPARTMENT OF GENERAL SERVICES, DIVISION OF ENGINEERING AND BUILDINGS

CONTRACT RESTRICTED TO PUBLIC BODIES TO WORK ESTIMATED AT \$1,000,000 OR LESS PER PROJECT (TASK ORDER)

COMPETITIVE NEGOTIATION PROCESS FOR THE PREQUALIFIED POOL

Pertinent Code of Virginia:

§ 2.2-4303:

“D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

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Documentation for the File:

Here is sample wording to use for documenting your procurements of construction services under this contract:

The Code of Virginia Section 2.2-4303 allows for the use of competitive negotiation for soliciting construction services based a written determination made by the agency. This letter is to document this determination.

Generally, the primary advantage to utilizing this pre-qualified pool of vendors for small jobs will be the ability to expedite procurement since a portion of the procurement process has already been completed. The negotiated process utilizes a pre-qualified pool of contractors whose qualifications have been reviewed and are certified with DMBE as SWaM contractors therefore

meeting the requirements of EO33.

This process will expedite the delivery of the services to the agency, allow for the work to begin earlier, and allow for the agency to refine the costs since this will be an open book pricing scenario. Due to use of competitive negotiation, the agency will be able to review and discuss the cost of the project and work with the contractor and design team to assure that all elements of the project are addressed before a contract is signed or construction begins.

This process should greatly reduce change orders and misunderstandings in the work to be performed. This process of using a pre-qualified pool will also reduce the cost to the agency for newspaper advertising and reproduction costs of design documents. This process will also allow for quicker delivery of the work, especially when critical.

Competitive Negotiation Process:

For the purposes of the contract competitive negotiations shall be conducted as described in Code of Virginia § 2.2-4301:

“b. Procurement of other than professional services. Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.”

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Sealed proposals are invited to furnish and install — in accordance the documents and specifications which are available for pick up or at the conference. [agency to choose process for distribution of plans]

The project is generally described as...

Sealed proposals will be received at the Facilities Office located —provide street address, floor no. suite, etc.— on —date and year—. Proposals are to the attention of person and title. The deadline for submitting bids is 2:00 P.M. sharp, as determined by the Contracting Officer.

A MANDATORY/OPTIONAL PRE PROPOSAL CONFERENCE WILL BE HELD —date, time, and location—. CONTRACTORS ARE RESPONSIBLE FOR VISITING THE SITE AND CONFIRMING THE WORK. YOUR SUBMISSION IS ACKNOWLEDGEMENT THAT YOU HAVE VISITED THE SITE AND UNDERSTAND THE SITE CONDITIONS.

eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION: The bidder or offeror must be a registered vendor in eVA to be awarded this contract.

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Contractor registration in accordance with Section 54.1-1103 of the Code of Virginia, is required.

Step 3 – Receive the proposals and evaluate the proposals. Here is a recommended scoring system:

Pricing	50 points out of 100
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Perform competitive negotiation as described above.

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Perform competitive negotiation as described above.

Step 4 – Once a successful contractor has been selected, issue a Notice of Award CO9.1a and a Construction Contract CO9. If the contract has a value greater than \$100,000 then the Bonds CO10 and CO10.1 shall be completed by the contractor. The CO forms apply to state agencies and may be used by other public bodies or they may use their contract formats. Issue a purchase order in eVA.

Important File Facts:

- In all cases include all negotiation notes and decisions with your contract and purchase order.
- In all cases include your document on the selection of negotiation versus sealed bidding.
- Remember to issue a purchase order for the value of the contract in eVA.

IV. PROPOSAL PREPARATION AND SUBMISSION INSTRUCTIONS:

A. **GENERAL INSTRUCTIONS:** This section is used to inform the potential offerors of how many copies of the proposal must be submitted, how the proposal is to be prepared, the possibility of oral presentations by the offerors, etc. To reduce administrative burden and costs, request enough copies so that each evaluator is provided a copy. The following are sample paragraphs normally used in this section.

1. RFP Response: In order to be considered for selection, offerors must submit a complete response to this RFP. **One (1) original (CLEARLY MARKED AS SUCH), and (2) copies** of each proposal must be submitted to the issuing agency. No other distribution of the proposal shall be made by the offeror.

2. Proposal Preparation:

a. Proposals shall be signed by an authorized representative of the offeror. All information requested should be submitted. Failure to submit all information requested may result in the purchasing agency requiring prompt submission of missing information and/or giving a lowered evaluation of the proposal. Proposals which are substantially incomplete or lack key information may be rejected by the purchasing agency. Mandatory requirements are those required by law or regulation or are such that they cannot be waived and are not subject to negotiation.

b. Proposals should be prepared simply and economically using the **GC forms provided, and the CO16.**

c. As used in this RFP, the terms "must", "shall", "should" and "may" identify the criticality of requirements. "Must" and "shall" identify requirements whose absence will have a major negative impact on the suitability of the proposed solution. Items labeled as "should" or "may" are highly desirable, although their absence will not have a large impact and would be useful, but are not necessary. Depending

on the overall response to the RFP, some individual "must" and "shall" items may not be fully satisfied, but it is the intent to satisfy most, if not all, "must" and "shall" requirements. The inability of an Offeror to satisfy a "must" or "shall" requirement does not automatically remove that Offeror from consideration; however, it may seriously affect the overall rating of the Offerors' proposal.

d. Each copy of the proposal should be bound or contained in a single volume where practical. All documentation submitted with the proposal should be contained in that single volume.

e. Ownership of all data, materials, and documentation originated and prepared for the State pursuant to the RFP shall belong exclusively to the State and be subject to public inspection in accordance with the Virginia Freedom of Information Act. Trade secrets or proprietary information submitted by an offeror shall not be subject to public disclosure under the Virginia Freedom of Information Act; however, the offeror must invoke the protections of § 2.2-4342F of the Code of Virginia, in writing, either before or at the time the data or other material is submitted. The written notice must specifically identify the data or materials to be protected and state the reasons why protection is necessary. The proprietary or trade secret material submitted must be identified by some distinct method such as highlighting or underlining and must indicate only the specific words, figures, or paragraphs that constitute trade secret or proprietary information. The classification of an entire proposal document, line item prices, and/or total proposal prices as proprietary or trade secrets is not acceptable and will result in rejection of the proposal.

3. Oral Presentation: NOT REQUIRED

B. **SPECIFIC PROPOSAL INSTRUCTIONS:** Use this section to inform the potential offerors of the information that must be submitted with their proposals. The information requested is used as the basis for developing the proposal evaluation criteria. The following is a sample of the beginning language and examples of typical specific requirements:

"Proposals should be as thorough and detailed as possible so that DGS may properly evaluate your capabilities to provide the required goods/services. Offerors are required to submit the following items as a complete proposal:

1. *Return the RFP cover sheet and all addenda acknowledgments, if any, signed and filled out as required.*
2. *Completion of the CO16 (Contractor's Statement of Qualifications, Attachment E); Completion of the GC6, & GC8, Attachment F.*
3. *Virginia Contractors license as issued by DPOR*
4. *Certificate of insurance*

V. **EVALUATION AND AWARD CRITERIA:** This section is in two parts. The first part, "Evaluation Criteria," tells the offerors how the proposals will be evaluated. The criteria must be developed from the items asked for in the "Specific Proposal Instructions" section. The point values assigned to each of the evaluation criteria shall be included in the RFP or be posted in the location used for public posting of procurement notices prior to the receipt of proposals. Prepare a written evaluation plan showing the maximum point values to be assigned to each of the evaluation criteria appearing in the RFP. It is suggested that the point values assigned to the evaluation criteria when totaled equal 100. The second part is the "Award of Contract" clause that states how the award will be made.

A. **EVALUATION CRITERIA:** Proposals shall be evaluated by the Owner using the following criteria:

POINT FOR SERVICES

VALUE

1.	Completion of CO-16/GC Forms	50
2.	Technical proposal, comprised of services offered, Contractors license, experience, references, etc.	50
	TOTAL	100

- B. **AWARD TO MULTIPLE OFFERORS:** Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals on the basis of the evaluation factors included in the Request for Proposals, including price, if so stated in the Request for Proposals. Negotiations shall be conducted with the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the agency shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. The Commonwealth reserves the right to make multiple awards as a result of this solicitation. The Commonwealth may cancel this Request for Proposals or reject proposals at any time prior to an award, and is not required to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous (*Code of Virginia, § 2.2-4359D*). Should the Commonwealth determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror. The award document will be a contract incorporating by reference all the requirements, terms and conditions of the solicitation and the contractor's proposal as negotiated.

- VI. **REPORTING AND DELIVERY INSTRUCTIONS:** This section is mandatory if the anticipated value of the contract exceeds \$100,000, to include all renewal periods. When used, this section should identify all documentation, reports, etc., and the specific delivery date for each deliverable item that the contractor must furnish during the contract period. In writing this section, the following typical language is provided as an example:

- A. "The contractor shall provide the following documentation to Gary Pleskac at DGS, other public bodies will define their contact for approval by the agency"
- B. "The contractor shall provide a (monthly) progress report to see item A outlining the following:"
1. The specific accomplishments achieved during the reporting period.
 2. The specific tasks completed pursuant to the provisions of the contract and the completion dates of such tasks.
 3. The projected completion dates for the remaining specific tasks required by the contract.
- C. "Within thirty (30) calendar days after the award date of the contract, the contractor shall furnish a preliminary outline of the organizational structure of the final report to see item A."
1. The preliminary outline shall delineate the main topics and subtopics that will later be described in detail in the final report.
 2. Beneath each topic and subtopic, the contractor shall furnish a brief narrative description of the subject matter encompassed by the topic or subtopic.

3. The agency shall have the right to edit, modify and/or rearrange the organizational structure, topics, and subtopics as it deems necessary to insure the inclusion of all work required by the contract.
- D. "At least two (2) weeks prior to the submission of the final report, the contractor shall present a preliminary draft of the final report to see item A. The agency shall have the right to modify and/or to require additional elaboration as it deems necessary to insure a comprehensive and thorough written study of all work required by the contract."
- E. "On or before the date specified in the contract, a final report shall be delivered to see item A for its approval. The contractor shall furnish () copies of the final report."
- F. "The contractor shall make at least one (1) oral presentation of the final report to persons or organizations as deemed necessary by the agency."

NOTE: The requirement to provide a report or other deliverable may be mandatory; however, the specific content of the report, format, etc. may be negotiable. Language which can be used may be, "The contractor shall provide a monthly progress report to see item A. These reports should contain the following information:"

- G. See 3.10 h. outlining requirements for a Small Business Subcontracting Plan in solicitations where the prime contract is in excess of \$100,000. Prime contractors are required to complete Annex 7-G which should be attached to the RFP solicitation. For competitive negotiation, the Small Business Subcontracting Plan shall be used as one of the evaluation criteria. A DMBE-certified small business who serves as prime contractor will receive full credit for subcontracting for work performed by such prime. See Appendix B, Section II, 36 for the special term and condition that may be included in RFPs requiring the contractor to provide evidence of compliance with this requirement. Receipt of a small business subcontracting plan may be a condition of the award and if so, a requirement for a report from the prime contractor must be stated in the solicitation indicating the frequency of the report required in the contract.

VII. PREPROPOSAL CONFERENCE:

There will be one optional pre proposal meeting. The purpose of this meeting is to answer questions on the prequalified program and to assist contractors in completing the package information required. Attendance at these sessions is not mandatory, but is recommended if you need assistance in completing the information or have questions.

March 19, 2010 from 10:00 am – noon location is Patrick Henry Building
Photo ID needed for entry
Patrick Henry Building
1111 East Broad Street
1st floor East Reading Room
Richmond, Virginia 23219

VIII. SPECIAL TERMS AND CONDITIONS

1. **AWARD TO MULTIPLE OFFERORS:** Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals on the basis of the evaluation factors included in the Request for Proposals, including price, if so stated in the Request for Proposals. Negotiations shall be conducted with the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the agency shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. The Commonwealth reserves the right to make multiple awards as a result of this solicitation. The Commonwealth may cancel this Request for Proposals or reject proposals at

any time prior to an award, and is not required to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous (*Code of Virginia*, § 2.2-4359D). Should the Commonwealth determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror. The award document will be a contract incorporating by reference all the requirements, terms and conditions of the solicitation and the contractor's proposal as negotiated.

2. **RENEWAL OF CONTRACT:** This contract may be renewed by the Commonwealth from the date of award for (two years) with (3 successive one year periods) under the terms and conditions of the original contract except as stated in 1. and 2. below. Price increases may be negotiated only at the time of renewal. Written notice of the Commonwealth's intention to renew shall be given approximately 90 days prior to the expiration date of each contract period.

1. If the Commonwealth elects to exercise the option to renew the contract for an additional one-year period, the contract price(s) for the additional one year shall not exceed the contract price(s) of the original contract increased/decreased by more than the percentage increase/decrease of the Services category of the CPI-W section of the Consumer Price Index of the United States Bureau of Labor Statistics for the latest twelve months for which statistics are available.
2. If during any subsequent renewal periods, the Commonwealth elects to exercise the option to renew the contract, the contract price(s) for the subsequent renewal period shall not exceed the contract price(s) of the previous renewal period increased/decreased by more than the percentage increase/decrease of the Services category of the CPI-W section of the Consumer Price Index of the United States Bureau of Labor Statistics for the latest twelve months for which statistics are available.

- IX. : **METHOD OF PAYMENT:** Payment will be made based on receipt of an approved Schedule of Values (CO12) for all work greater than \$5000 or approved invoice for work valued at \$5000 or less. Payment may be made either by credit card or check or electronic funds transfer.

- X. **PRICING SCHEDULE:** There is no pricing schedule since all work will be negotiated prices. There will not be any reimbursable expenses. The Commonwealth reserves the right to request all labor and burden rates from a contractor when presenting a cost proposal for work. The Commonwealth reserves the right to request material invoices and material cost breakdowns when negotiating prices for work.

All markups for change orders shall be per the CO7.

XI. **ATTACHMENTS:**

- A Specification on Low Voltage Power Factor Filtering
- B Specification on Surge Protection Devices and Transient Voltage Surge Suppressors
- C Specification on Active Harmonic Filtering
- D CO-16
- E GC6
- F GC8
- G CO7



COMMONWEALTH of VIRGINIA

Department of General Services

Richard F. Sliwoski, P.E.
Director

Joe F. Damico
Deputy Director

1100 Washington Street
Suite 420
Richmond, Virginia 23219-3402
Voice/TDD (804) 786-3311
FAX (804) 371-8305

COMMONWEALTH OF VIRGINIA STANDARD CONTRACT DEB03012010—PCOND

This contract entered into this 11th day of June, 2010 by listed on the last page hereinafter called the "Contractor" and Commonwealth of Virginia, and the Department of General Services called the "Purchasing Agency."

WITNESSETH that the Contractor and the Purchasing Agency, in consideration of the mutual covenants, promises and agreements herein contained, agree as follows:

Pre-qualified Power Conditioning Contractor Pool

SCOPE OF CONTRACT: The Contractor shall provide the goods/services to the Purchasing Agency as set forth in the Contract Documents.

PERIOD OF PERFORMANCE: From July 1, 2010 through June 30, 2012 with three one year renewals.

The contract documents shall consist of:

- (1) This signed form;
- (2) The following portions of the Request for Proposal dated March 01, 2010
 - (a) The Statement of Needs,
 - (b) The General Terms and Conditions,
 - (c) The Special Terms and Conditions together with any negotiated modifications of those Special Conditions;
 - (d) The CO7 Terms and Conditions of the Construction Contract
- (3) The Contractor's CO-16 and the following process instructions for use of the contract:

Instructions to Agencies

Special Terms and Conditions

PROCESS FOR AGENCIES

The following items apply to this contract for state agencies: Web link for the forms
<http://www.dgs.state.va.us/FormsCenter/DEBForms/tabid/826/Default.aspx>

GENERAL CONDITIONS & FORMS

General Conditions of the Construction Contract	CO-7
Supplemental General Conditions	
Listing of Required Structural and Special Inspections	CO-6b
Contract Between Owner and Contractor	CO-9
Workers Compensation Certificate of Insurance	CO-9a
Standard Performance Bond,	CO-10
Standard Labor and Material Payment Bond	CO-10.1
Construction Change Order	CO-11
Change Order Estimate (General Contractor)	GC-1
Change Order Estimate (Subcontractor)	SC-1
Change Order Estimate (Sub-subcontractor)	SS-1
Schedule of Values and Certificate for Payment	CO-12
Affidavit of Payment of Claims	CO-13
Contractor's Certificate of Substantial Completion	CO-13.2a
Contractor's Certificate of Completion	CO-13.2

**PROCUREMENT PROCESS FOR USING THE PRE-QUALIFIED POWER CONDITIONING CONTRACTORS LIST
AS SOLICITED BY THE DEPARTMENT OF GENERAL SERVICES, DIVISION OF ENGINEERING AND BUILDINGS**

CONTRACT RESTRICTED TO PUBLIC BODIES TO WORK ESTIMATED AT \$500,000 OR LESS PER PROJECT (TASK ORDER)

COMPETITIVE NEGOTIATION PROCESS FOR THE PREQUALIFIED POWER CONDITIONING CONTRACTOR POOL

Pertinent Code of Virginia:

§ 2.2-4303:

"D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

2. By any (a) public body for the construction, alteration, repair, renovation or demolition of buildings when the contract is not expected to cost more than \$1 million and (b) local governing body on a fixed price design-build basis or construction management basis under § 2.2-4308 when the contract is not expected to cost more than \$1 million"

Documentation for the File:

Here is sample wording to use for documenting your procurements of construction services under this contract:

The Code of Virginia Section 2.2-4303 allows for the use of competitive negotiation for soliciting construction services based a written determination made by the agency. This letter is to document this determination.

Generally, the primary advantage to utilizing this pre-qualified pool of vendors for small jobs will

be the ability to expedite procurement since a portion of the procurement process has already been completed. The negotiated process utilizes a pre-qualified pool of contractors whose qualifications have been reviewed and are certified with DMBE as SWaM contractors therefore meeting the requirements of EO33.

This process will expedite the delivery of the services to the agency, allow for the work to begin earlier, and allow for the agency to refine the costs since this will be an open book pricing scenario. Due to use of competitive negotiation, the agency will be able to review and discuss the cost of the project and work with the contractor and design team to assure that all elements of the project are addressed before a contract is signed or construction begins.

This process should greatly reduce change orders and misunderstandings in the work to be performed. This process of using a pre-qualified pool will also reduce the cost to the agency for newspaper advertising and reproduction costs of design documents. This process will also allow for quicker delivery of the work, especially when critical.

Competitive Negotiation Process:

For the purposes of the contract competitive negotiations shall be conducted as described in Code of Virginia § 2.2-4301:

"b. Procurement of other than professional services. Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror."

NEGOTIATED PROCESS FOR SINGLE PROJECTS WITH AN ESTIMATED VALUE LESS THAN \$50,000:

Step 1 – Select a minimum of 2 contractors from the pre qualified list for the services required.

Step 2 – Issue the standard invitation via fax or email to the selected firms. The minimum designated time for contractors to respond to the solicitation is 21 days. This critical as contractors need adequate time to prepare proper estimates. Here is sample wording for the invitation:

Sealed proposals are invited to furnish and install ----- in accordance the documents and specifications which are available for pick up or at the conference. [agency to choose process for distribution of plans]

The project is generally described as...

Sealed proposals will be received at the Facilities Office located ---provide street address, floor no. suite, etc.--- on ---date and year---. Proposals are to the attention of person and title. The deadline for submitting bids is 2:00 P.M. sharp, as determined by the Contracting Officer.

A MANDATORY/OPTIONAL PRE PROPOSAL CONFERENCE WILL BE HELD ---date, time, and location---. CONTRACTORS ARE RESPONSIBLE FOR VISITING THE SITE AND CONFIRMING THE

WORK. YOUR SUBMISSION IS ACKNOWLEDGEMENT THAT YOU HAVE VISITED THE SITE AND UNDERSTAND THE SITE CONDITIONS.

eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION: The bidder or offeror must be a registered vendor in eVA to be awarded this contract.

The contract shall be awarded on a lump sum basis based on competitive negotiations.

Contractor registration in accordance with Section 54.1-1103 of the Code of Virginia, is required.

Step 3 – Receive the proposals and evaluate the proposals. Here is a recommended scoring system:

Pricing	50 points out of 100
Means, Methods, and Schedule	50 points out of 100

The Means, Methods, and Schedule is the contractor's understanding of the execution of the work and is the agency's opportunity to review the Means, Methods, and Schedule with the contractor prior to any award decision.

Perform competitive negotiation as described above.

Step 4 – Once a successful contractor has been selected, issue a Notice of Award CO9.1a and a Construction Contract CO9. The CO forms apply to state agencies and may be used by other public bodies or they may use their contract formats. Issue a purchase order in eVA.

Important File Facts:

- In all cases include all negotiation notes and decisions with your contract and purchase order.
- In all cases include your document on the selection of negotiation versus sealed bidding.
- Remember to issue a purchase order for the value of the contract in eVA.

NEGOTIATED PROCESS FOR SINGLE PROJECTS WITH AN ESTIMATED VALUE GREATER THAN \$50,000:

Step 1 – Select a minimum of 4 contractors from the pre qualified list for the services required.

Step 2 – Issue the standard invitation via fax or email to the selected firms. The minimum designated time for contractors to respond to the solicitation is 30 days. This critical as contractors need adequate time to prepare proper estimates.

Here is sample wording for the invitation:

Sealed proposals are invited to furnish and install ----- in accordance the documents and specifications which are available for pick up or at the conference. [agency to choose process for distribution of plans]

The project is generally described as...

Sealed proposals will be received at the Facilities Office located ---provide street address, floor no. suite, etc.--- on ---date and year---. Proposals are to the attention of person and title. The deadline for submitting bids is 2:00 P.M. sharp, as determined by the Contracting Officer.

A MANDATORY/OPTIONAL PRE PROPOSAL CONFERENCE WILL BE HELD ---date, time, and location---. CONTRACTORS ARE RESPONSIBLE FOR VISITING THE SITE AND CONFIRMING THE WORK. YOUR SUBMISSION IS ACKNOWLEDGEMENT THAT YOU HAVE VISITED THE SITE AND UNDERSTAND THE SITE CONDITIONS.

eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION: The bidder or offeror must be a registered vendor in eVA to be awarded this contract.

The contract shall be awarded on a lump sum basis based on competitive negotiations.

Contractor registration in accordance with Section 54.1-1103 of the Code of Virginia, is required.

Step 3 – Receive the proposals and evaluate the proposals. Here is a recommended scoring system:

Pricing	50 points out of 100
Means, Methods, and Schedule	50 points out of 100

The Means, Methods, and Schedule is the contractor's understanding of the execution of the work and is the agency's opportunity to review the Means, Methods, and Schedule with the contractor prior to any award decision.

Perform competitive negotiation as described above.

Step 4 – Once a successful contractor has been selected, issue a Notice of Award CO9.1a and a Construction Contract CO9. If the contract has a value greater than \$100,000 then the Bonds CO10 and CO10.1 shall be completed by the contractor. The CO forms apply to state agencies and may be used by other public bodies or they may use their contract formats. Issue a purchase order in eVA.

Important File Facts:

- In all cases include all negotiation notes and decisions with your contract and purchase order.
- In all cases include your document on the selection of negotiation versus sealed bidding.
- Remember to issue a purchase order for the value of the contract in eVA.

SPECIAL TERMS AND CONDITIONS

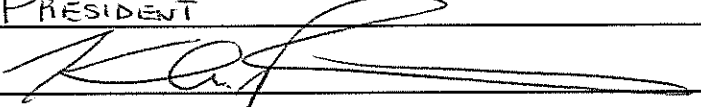
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2. **RENEWAL OF CONTRACT:** This contract may be renewed by the Commonwealth from the date of award for (two years) with (3 successive one year periods) under the terms and conditions of the original contract except as stated in 1. below. Price increases may be negotiated only at the time of renewal. Written notice of the Commonwealth's intention to renew shall be given approximately 90 days prior to the expiration date of each contract period.
 1. If the Commonwealth elects to exercise the option to renew the contract for an additional one-year period, the contract price(s) for the additional one year shall not exceed the contract price(s) of the original contract increased/decreased by more than the percentage increase/decrease of the Services category of the CPI-W section of the Consumer Price Index of the United States Bureau of Labor Statistics for the latest twelve months for which statistics are available.

IN WITNESS WHEREOF, the parties have caused this Contract to be duly executed intending to be bound thereby.

CONTRACTOR:

Name of Company: AMERICAN ENERGY SERVICES, LLC

Title of Person Signing: PRESIDENT

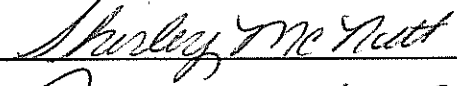
Signature: 

Contractors #: #270511515A

Address: 23601 LANTONVILLE Rd
LANTONVILLE MD. 20882

FOR THE OWNER:

Name of Agency: Department of General Services

Signature: 

Title of Person Signing: Procurement Mgr. MCO

Address:

203 Governor Street, Room 100P

Richmond, VA 23219



COMMONWEALTH of VIRGINIA

Department of General Services

Richard F. Sliwoski, P.E.
Director

Joe F. Damico
Deputy Director

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FAX (804) 371-8305

COMMONWEALTH OF VIRGINIA STANDARD CONTRACT DEB03012010—PCOND

This contract entered into this 11th day of June, 2010 by listed on the last page hereinafter called the "Contractor" and Commonwealth of Virginia, and the Department of General Services called the "Purchasing Agency."

WITNESSETH that the Contractor and the Purchasing Agency, in consideration of the mutual covenants, promises and agreements herein contained, agree as follows:

Pre-qualified Power Conditioning Contractor Pool

SCOPE OF CONTRACT: The Contractor shall provide the goods/services to the Purchasing Agency as set forth in the Contract Documents.

PERIOD OF PERFORMANCE: From July 1, 2010 through June 30, 2012 with three one year renewals.

The contract documents shall consist of:

- (1) This signed form;
- (2) The following portions of the Request for Proposal dated March 01, 2010
 - (a) The Statement of Needs,
 - (b) The General Terms and Conditions,
 - (c) The Special Terms and Conditions together with any negotiated modifications of those Special Conditions;
 - (d) The CO7 Terms and Conditions of the Construction Contract
- (3) The Contractor's CO-16 and the following process instructions for use of the contract:

Instructions to Agencies

Special Terms and Conditions

PROCESS FOR AGENCIES

The following items apply to this contract for state agencies: Web link for the forms
<http://www.dgs.state.va.us/FormsCenter/DEBForms/tabid/826/Default.aspx>

GENERAL CONDITIONS & FORMS

General Conditions of the Construction Contract	CO-7
Supplemental General Conditions	
Listing of Required Structural and Special Inspections	CO-6b
Contract Between Owner and Contractor	CO-9
Workers Compensation Certificate of Insurance	CO-9a
Standard Performance Bond,	CO-10
Standard Labor and Material Payment Bond	CO-10.1
Construction Change Order	CO-11
Change Order Estimate (General Contractor)	GC-1
Change Order Estimate (Subcontractor)	SC-1
Change Order Estimate (Sub-subcontractor)	SS-1
Schedule of Values and Certificate for Payment	CO-12
Affidavit of Payment of Claims	CO-13
Contractor's Certificate of Substantial Completion	CO-13.2a
Contractor's Certificate of Completion	CO-13.2

**PROCUREMENT PROCESS FOR USING THE PRE-QUALIFIED POWER CONDITIONING CONTRACTORS LIST
AS SOLICITED BY THE DEPARTMENT OF GENERAL SERVICES, DIVISION OF ENGINEERING AND BUILDINGS**

CONTRACT RESTRICTED TO PUBLIC BODIES TO WORK ESTIMATED AT \$500,000 OR LESS PER PROJECT (TASK ORDER)

COMPETITIVE NEGOTIATION PROCESS FOR THE PREQUALIFIED POWER CONDITIONING CONTRACTOR POOL

Pertinent Code of Virginia:

§ 2.2-4303:

"D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

2. By any (a) public body for the construction, alteration, repair, renovation or demolition of buildings when the contract is not expected to cost more than \$1 million and (b) local governing body on a fixed price design-build basis or construction management basis under § 2.2-4308 when the contract is not expected to cost more than \$1 million"

Documentation for the File:

Here is sample wording to use for documenting your procurements of construction services under this contract:

The Code of Virginia Section 2.2-4303 allows for the use of competitive negotiation for soliciting construction services based a written determination made by the agency. This letter is to document this determination.

Generally, the primary advantage to utilizing this pre-qualified pool of vendors for small jobs will

be the ability to expedite procurement since a portion of the procurement process has already been completed. The negotiated process utilizes a pre-qualified pool of contractors whose qualifications have been reviewed and are certified with DMBE as SWaM contractors therefore meeting the requirements of EO33.

This process will expedite the delivery of the services to the agency, allow for the work to begin earlier, and allow for the agency to refine the costs since this will be an open book pricing scenario. Due to use of competitive negotiation, the agency will be able to review and discuss the cost of the project and work with the contractor and design team to assure that all elements of the project are addressed before a contract is signed or construction begins.

This process should greatly reduce change orders and misunderstandings in the work to be performed. This process of using a pre-qualified pool will also reduce the cost to the agency for newspaper advertising and reproduction costs of design documents. This process will also allow for quicker delivery of the work, especially when critical.

Competitive Negotiation Process:

For the purposes of the contract competitive negotiations shall be conducted as described in Code of Virginia § 2.2-4301:

"b. Procurement of other than professional services. Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror."

NEGOTIATED PROCESS FOR SINGLE PROJECTS WITH AN ESTIMATED VALUE LESS THAN \$50,000:

Step 1 – Select a minimum of 2 contractors from the pre qualified list for the services required.

Step 2 – Issue the standard invitation via fax or email to the selected firms. The minimum designated time for contractors to respond to the solicitation is 21 days. This critical as contractors need adequate time to prepare proper estimates. Here is sample wording for the invitation:

Sealed proposals are invited to furnish and install ----- in accordance the documents and specifications which are available for pick up or at the conference. [agency to choose process for distribution of plans]

The project is generally described as...

Sealed proposals will be received at the Facilities Office located ---provide street address, floor no. suite, etc.--- on ---date and year---. Proposals are to the attention of person and title. The deadline for submitting bids is 2:00 P.M. sharp, as determined by the Contracting Officer.

A MANDATORY/OPTIONAL PRE PROPOSAL CONFERENCE WILL BE HELD ---date, time, and location---. CONTRACTORS ARE RESPONSIBLE FOR VISITING THE SITE AND CONFIRMING THE

WORK. YOUR SUBMISSION IS ACKNOWLEDGEMENT THAT YOU HAVE VISITED THE SITE AND UNDERSTAND THE SITE CONDITIONS.

eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION: The bidder or offeror must be a registered vendor in eVA to be awarded this contract.

The contract shall be awarded on a lump sum basis based on competitive negotiations.

Contractor registration in accordance with Section 54.1-1103 of the Code of Virginia, is required.

Step 3 – Receive the proposals and evaluate the proposals. Here is a recommended scoring system:

Pricing	50 points out of 100
Means, Methods, and Schedule	50 points out of 100

The Means, Methods, and Schedule is the contractor's understanding of the execution of the work and is the agency's opportunity to review the Means, Methods, and Schedule with the contractor prior to any award decision.

Perform competitive negotiation as described above.

Step 4 – Once a successful contractor has been selected, issue a Notice of Award CO9.1a and a Construction Contract CO9. The CO forms apply to state agencies and may be used by other public bodies or they may use their contract formats. Issue a purchase order in eVA.

Important File Facts:

- In all cases include all negotiation notes and decisions with your contract and purchase order.
- In all cases include your document on the selection of negotiation versus sealed bidding.
- Remember to issue a purchase order for the value of the contract in eVA.

NEGOTIATED PROCESS FOR SINGLE PROJECTS WITH AN ESTIMATED VALUE GREATER THAN \$50,000:

Step 1 – Select a minimum of 4 contractors from the pre qualified list for the services required.

Step 2 – Issue the standard invitation via fax or email to the selected firms. The minimum designated time for contractors to respond to the solicitation is 30 days. This critical as contractors need adequate time to prepare proper estimates.

Here is sample wording for the invitation:

Sealed proposals are invited to furnish and install ----- in accordance the documents and specifications which are available for pick up or at the conference. [agency to choose process for distribution of plans]

The project is generally described as...

Sealed proposals will be received at the Facilities Office located ---provide street address, floor no. suite, etc.--- on ---date and year---. Proposals are to the attention of person and title. The deadline for submitting bids is 2:00 P.M. sharp, as determined by the Contracting Officer.

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Perform competitive negotiation as described above.

Step 4 – Once a successful contractor has been selected, issue a Notice of Award CO9.1a and a Construction Contract CO9. If the contract has a value greater than \$100,000 then the Bonds CO10 and CO10.1 shall be completed by the contractor. The CO forms apply to state agencies and may be used by other public bodies or they may use their contract formats. Issue a purchase order in eVA.

Important File Facts:

- In all cases include all negotiation notes and decisions with your contract and purchase order.
- In all cases include your document on the selection of negotiation versus sealed bidding.
- Remember to issue a purchase order for the value of the contract in eVA.

SPECIAL TERMS AND CONDITIONS

1. **AWARD TO MULTIPLE OFFERORS:** Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals on the basis of the evaluation factors included in the Request for Proposals, including price, if so stated in the Request for Proposals. Negotiations shall be conducted with the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the agency shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. The Commonwealth reserves the right to make multiple awards as a result of this solicitation. The Commonwealth may cancel this Request for Proposals or reject proposals at any time prior to an award, and is not required to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous (Code of Virginia, § 2.2-4359D). Should the Commonwealth determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror. The award document will be a contract incorporating by reference all the requirements, terms and conditions of the solicitation and the contractor's proposal as negotiated.
2. **RENEWAL OF CONTRACT:** This contract may be renewed by the Commonwealth from the date of award for (two years) with (3 successive one year periods) under the terms and conditions of the original contract except as stated in 1. below. Price increases may be negotiated only at the time of renewal. Written notice of the Commonwealth's intention to renew shall be given approximately 90 days prior to the expiration date of each contract period.
 1. If the Commonwealth elects to exercise the option to renew the contract for an additional one-year period, the contract price(s) for the additional one year shall not exceed the contract price(s) of the original contract increased/decreased by more than the percentage increase/decrease of the Services category of the CPI-W section of the Consumer Price Index of the United States Bureau of Labor Statistics for the latest twelve months for which statistics are available.

IN WITNESS WHEREOF, the parties have caused this Contract to be duly executed intending to be bound thereby.

CONTRACTOR:

Name of Company: James Alexander Contracting + Continental Power Corp.
Title of Person Signing: Owner
Signature: [Signature]
Contractors #: 2705-075637A
Address: 9401 Springhouse Drive
Chesterfield, VA 23832
804-921-4451

FOR THE OWNER:

Name of Agency: Department of General Services
Signature: [Signature]
Title of Person Signing: Procurement Mgr., VACO



COMMONWEALTH of VIRGINIA

Department of General Services

Richard F. Sliwoski, P.E.
Director

Joe F. Damico
Deputy Director

1100 Washington Street
Suite 420
Richmond, Virginia 23219-3402
Voice/TDD (804) 786-3311
FAX (804) 371-8305

COMMONWEALTH OF VIRGINIA STANDARD CONTRACT DEB03012010—PCOND

This contract entered into this 11th day of June, 2010 by listed on the last page hereinafter called the "Contractor" and Commonwealth of Virginia, and the Department of General Services called the "Purchasing Agency."

WITNESSETH that the Contractor and the Purchasing Agency, in consideration of the mutual covenants, promises and agreements herein contained, agree as follows:

Pre-qualified Power Conditioning Contractor Pool

SCOPE OF CONTRACT: The Contractor shall provide the goods/services to the Purchasing Agency as set forth in the Contract Documents.

PERIOD OF PERFORMANCE: From July 1, 2010 through June 30, 2012 with three one year renewals.

The contract documents shall consist of:

- (1) This signed form;
- (2) The following portions of the Request for Proposal dated March 01, 2010
 - (a) The Statement of Needs,
 - (b) The General Terms and Conditions,
 - (c) The Special Terms and Conditions together with any negotiated modifications of those Special Conditions;
 - (d) The CO7 Terms and Conditions of the Construction Contract
- (3) The Contractor's CO-16 and the following process instructions for use of the contract:

Instructions to Agencies

Special Terms and Conditions

PROCESS FOR AGENCIES

The following items apply to this contract for state agencies: Web link for the forms
<http://www.dgs.state.va.us/FormsCenter/DEBForms/tabid/826/Default.aspx>

GENERAL CONDITIONS & FORMS

General Conditions of the Construction Contract	CO-7
Supplemental General Conditions	
Listing of Required Structural and Special Inspections	CO-6b
Contract Between Owner and Contractor	CO-9
Workers Compensation Certificate of Insurance	CO-9a
Standard Performance Bond,	CO-10
Standard Labor and Material Payment Bond	CO-10.1
Construction Change Order	CO-11
Change Order Estimate (General Contractor)	GC-1
Change Order Estimate (Subcontractor)	SC-1
Change Order Estimate (Sub-subcontractor)	SS-1
Schedule of Values and Certificate for Payment	CO-12
Affidavit of Payment of Claims	CO-13
Contractor's Certificate of Substantial Completion	CO-13.2a
Contractor's Certificate of Completion	CO-13.2

**PROCUREMENT PROCESS FOR USING THE PRE-QUALIFIED POWER CONDITIONING CONTRACTORS LIST
AS SOLICITED BY THE DEPARTMENT OF GENERAL SERVICES, DIVISION OF ENGINEERING AND BUILDINGS**

CONTRACT RESTRICTED TO PUBLIC BODIES TO WORK ESTIMATED AT \$500,000 OR LESS PER PROJECT (TASK ORDER)

COMPETITIVE NEGOTIATION PROCESS FOR THE PREQUALIFIED POWER CONDITIONING CONTRACTOR POOL

Pertinent Code of Virginia:

§ 2.2-4303:

"D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

2. By any (a) public body for the construction, alteration, repair, renovation or demolition of buildings when the contract is not expected to cost more than \$1 million and (b) local governing body on a fixed price design-build basis or construction management basis under § 2.2-4308 when the contract is not expected to cost more than \$1 million"

Documentation for the File:

Here is sample wording to use for documenting your procurements of construction services under this contract:

The Code of Virginia Section 2.2-4303 allows for the use of competitive negotiation for soliciting construction services based a written determination made by the agency. This letter is to document this determination.

Generally, the primary advantage to utilizing this pre-qualified pool of vendors for small jobs will

be the ability to expedite procurement since a portion of the procurement process has already been completed. The negotiated process utilizes a pre-qualified pool of contractors whose qualifications have been reviewed and are certified with DMBE as SWaM contractors therefore meeting the requirements of EO33.

This process will expedite the delivery of the services to the agency, allow for the work to begin earlier, and allow for the agency to refine the costs since this will be an open book pricing scenario. Due to use of competitive negotiation, the agency will be able to review and discuss the cost of the project and work with the contractor and design team to assure that all elements of the project are addressed before a contract is signed or construction begins.

This process should greatly reduce change orders and misunderstandings in the work to be performed. This process of using a pre-qualified pool will also reduce the cost to the agency for newspaper advertising and reproduction costs of design documents. This process will also allow for quicker delivery of the work, especially when critical.

Competitive Negotiation Process:

For the purposes of the contract competitive negotiations shall be conducted as described in Code of Virginia § 2.2-4301:

"b. Procurement of other than professional services. Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror."

NEGOTIATED PROCESS FOR SINGLE PROJECTS WITH AN ESTIMATED VALUE LESS THAN \$50,000:

Step 1 – Select a minimum of 2 contractors from the pre qualified list for the services required.

Step 2 – Issue the standard invitation via fax or email to the selected firms. The minimum designated time for contractors to respond to the solicitation is 21 days. This critical as contractors need adequate time to prepare proper estimates. Here is sample wording for the invitation:

Sealed proposals are invited to furnish and install ----- in accordance the documents and specifications which are available for pick up or at the conference. [agency to choose process for distribution of plans]

The project is generally described as...

Sealed proposals will be received at the Facilities Office located ---provide street address, floor no. suite, etc.--- on ---date and year---. Proposals are to the attention of person and title. The deadline for submitting bids is 2:00 P.M. sharp, as determined by the Contracting Officer.

A MANDATORY/OPTIONAL PRE PROPOSAL CONFERENCE WILL BE HELD ---date, time, and location---. CONTRACTORS ARE RESPONSIBLE FOR VISITING THE SITE AND CONFIRMING THE

WORK. YOUR SUBMISSION IS ACKNOWLEDGEMENT THAT YOU HAVE VISITED THE SITE AND UNDERSTAND THE SITE CONDITIONS.

eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION: The bidder or offeror must be a registered vendor in eVA to be awarded this contract.

The contract shall be awarded on a lump sum basis based on competitive negotiations.

Contractor registration in accordance with Section 54.1-1103 of the Code of Virginia, is required.

Step 3 – Receive the proposals and evaluate the proposals. Here is a recommended scoring system:

Pricing	50 points out of 100
Means, Methods, and Schedule	50 points out of 100

The Means, Methods, and Schedule is the contractor's understanding of the execution of the work and is the agency's opportunity to review the Means, Methods, and Schedule with the contractor prior to any award decision.

Perform competitive negotiation as described above.

Step 4 – Once a successful contractor has been selected, issue a Notice of Award CO9.1a and a Construction Contract CO9. The CO forms apply to state agencies and may be used by other public bodies or they may use their contract formats. Issue a purchase order in eVA.

Important File Facts:

- In all cases include all negotiation notes and decisions with your contract and purchase order.
- In all cases include your document on the selection of negotiation versus sealed bidding.
- Remember to issue a purchase order for the value of the contract in eVA.

NEGOTIATED PROCESS FOR SINGLE PROJECTS WITH AN ESTIMATED VALUE GREATER THAN \$50,000:

Step 1 – Select a minimum of 4 contractors from the pre qualified list for the services required.

Step 2 – Issue the standard invitation via fax or email to the selected firms. The minimum designated time for contractors to respond to the solicitation is 30 days. This critical as contractors need adequate time to prepare proper estimates.

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Step 4 – Once a successful contractor has been selected, issue a Notice of Award CO9.1a and a Construction Contract CO9. If the contract has a value greater than \$100,000 then the Bonds CO10 and CO10.1 shall be completed by the contractor. The CO forms apply to state agencies and may be used by other public bodies or they may use their contract formats. Issue a purchase order in eVA.

Important File Facts:

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SPECIAL TERMS AND CONDITIONS

1. **AWARD TO MULTIPLE OFFERORS:** Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals on the basis of the evaluation factors included in the Request for Proposals, including price, if so stated in the Request for Proposals. Negotiations shall be conducted with the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the agency shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. The Commonwealth reserves the right to make multiple awards as a result of this solicitation. The Commonwealth may cancel this Request for Proposals or reject proposals at any time prior to an award, and is not required to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous (Code of Virginia, § 2.2-4359D). Should the Commonwealth determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror. The award document will be a contract incorporating by reference all the requirements, terms and conditions of the solicitation and the contractor's proposal as negotiated.
2. **RENEWAL OF CONTRACT:** This contract may be renewed by the Commonwealth from the date of award for (two years) with (3 successive one year periods) under the terms and conditions of the original contract except as stated in 1. below. Price increases may be negotiated only at the time of renewal. Written notice of the Commonwealth's intention to renew shall be given approximately 90 days prior to the expiration date of each contract period.
 1. If the Commonwealth elects to exercise the option to renew the contract for an additional one-year period, the contract price(s) for the additional one year shall not exceed the contract price(s) of the original contract increased/decreased by more than the percentage increase/decrease of the Services category of the CPI-W section of the Consumer Price Index of the United States Bureau of Labor Statistics for the latest twelve months for which statistics are available.

IN WITNESS WHEREOF, the parties have caused this Contract to be duly executed intending to be bound thereby.

CONTRACTOR:

Name of Company: NORTHSIDE TRAILHEAD ELECTRIC LLC

Title of Person Signing: ACCOUNT MANAGER

Signature: Christopher J. Kelly (CHRISTOPHER E. KELLY)

Contractors #: 2705 235 289 A

Address: 5300 SOUTH LABURNUM AVE
RICHMOND, VA 23231

FOR THE OWNER:

Name of Agency: Department of General Services

Signature: Shirley McNeil

Title of Person Signing: Procurement Mgr. UCCO

Address: 203 Governor Street, Room 100P
Richmond, VA 23219



COMMONWEALTH of VIRGINIA

Department of General Services

Richard F. Sliwoski, P.E.
Director

Joe F. Damico
Deputy Director

1100 Washington Street
Suite 420
Richmond, Virginia 23219-3402
Voice/TDD (804) 786-3311
FAX (804) 371-8305

COMMONWEALTH OF VIRGINIA STANDARD CONTRACT DEB03012010—PCOND

This contract entered into this 11th day of June, 2010 by listed on the last page hereinafter called the "Contractor" and Commonwealth of Virginia, and the Department of General Services called the "Purchasing Agency."

WITNESSETH that the Contractor and the Purchasing Agency, in consideration of the mutual covenants, promises and agreements herein contained, agree as follows:

Pre-qualified Power Conditioning Contractor Pool

SCOPE OF CONTRACT: The Contractor shall provide the goods/services to the Purchasing Agency as set forth in the Contract Documents.

PERIOD OF PERFORMANCE: From July 1, 2010 through June 30, 2012 with three one year renewals.

The contract documents shall consist of:

- (1) This signed form;
- (2) The following portions of the Request for Proposal dated March 01, 2010
 - (a) The Statement of Needs,
 - (b) The General Terms and Conditions,
 - (c) The Special Terms and Conditions together with any negotiated modifications of those Special Conditions;
 - (d) The CO7 Terms and Conditions of the Construction Contract
- (3) The Contractor's CO-16 and the following process instructions for use of the contract:

Instructions to Agencies

Special Terms and Conditions

PROCESS FOR AGENCIES

The following items apply to this contract for state agencies: Web link for the forms
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GENERAL CONDITIONS & FORMS

General Conditions of the Construction Contract	CO-7
Supplemental General Conditions	
Listing of Required Structural and Special Inspections	CO-6b
Contract Between Owner and Contractor	CO-9
Workers Compensation Certificate of Insurance	CO-9a
Standard Performance Bond,	CO-10
Standard Labor and Material Payment Bond	CO-10.1
Construction Change Order	CO-11
Change Order Estimate (General Contractor)	GC-1
Change Order Estimate (Subcontractor)	SC-1
Change Order Estimate (Sub-subcontractor)	SS-1
Schedule of Values and Certificate for Payment	CO-12
Affidavit of Payment of Claims	CO-13
Contractor's Certificate of Substantial Completion	CO-13.2a
Contractor's Certificate of Completion	CO-13.2

**PROCUREMENT PROCESS FOR USING THE PRE-QUALIFIED POWER CONDITIONING CONTRACTORS LIST
AS SOLICITED BY THE DEPARTMENT OF GENERAL SERVICES, DIVISION OF ENGINEERING AND BUILDINGS**

CONTRACT RESTRICTED TO PUBLIC BODIES TO WORK ESTIMATED AT \$500,000 OR LESS PER PROJECT (TASK ORDER)

COMPETITIVE NEGOTIATION PROCESS FOR THE PREQUALIFIED POWER CONDITIONING CONTRACTOR POOL

Pertinent Code of Virginia:

§ 2.2-4303:

"D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

2. By any (a) public body for the construction, alteration, repair, renovation or demolition of buildings when the contract is not expected to cost more than \$1 million and (b) local governing body on a fixed price design-build basis or construction management basis under § 2.2-4308 when the contract is not expected to cost more than \$1 million"

Documentation for the File:

Here is sample wording to use for documenting your procurements of construction services under this contract:

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Generally, the primary advantage to utilizing this pre-qualified pool of vendors for small jobs will

be the ability to expedite procurement since a portion of the procurement process has already been completed. The negotiated process utilizes a pre-qualified pool of contractors whose qualifications have been reviewed and are certified with DMBE as SWaM contractors therefore meeting the requirements of EO33.

This process will expedite the delivery of the services to the agency, allow for the work to begin earlier, and allow for the agency to refine the costs since this will be an open book pricing scenario. Due to use of competitive negotiation, the agency will be able to review and discuss the cost of the project and work with the contractor and design team to assure that all elements of the project are addressed before a contract is signed or construction begins.

This process should greatly reduce change orders and misunderstandings in the work to be performed. This process of using a pre-qualified pool will also reduce the cost to the agency for newspaper advertising and reproduction costs of design documents. This process will also allow for quicker delivery of the work, especially when critical.

Competitive Negotiation Process:

For the purposes of the contract competitive negotiations shall be conducted as described in Code of Virginia § 2.2-4301:

"b. Procurement of other than professional services. Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror."

NEGOTIATED PROCESS FOR SINGLE PROJECTS WITH AN ESTIMATED VALUE LESS THAN \$50,000:

Step 1 – Select a minimum of 2 contractors from the pre qualified list for the services required.

Step 2 – Issue the standard invitation via fax or email to the selected firms. The minimum designated time for contractors to respond to the solicitation is 21 days. This critical as contractors need adequate time to prepare proper estimates. Here is sample wording for the invitation:

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The project is generally described as...

Sealed proposals will be received at the Facilities Office located ---provide street address, floor no. suite, etc.--- on ---date and year---. Proposals are to the attention of person and title. The deadline for submitting bids is 2:00 P.M. sharp, as determined by the Contracting Officer.

A MANDATORY/OPTIONAL PRE PROPOSAL CONFERENCE WILL BE HELD ---date, time, and location---. CONTRACTORS ARE RESPONSIBLE FOR VISITING THE SITE AND CONFIRMING THE

WORK. YOUR SUBMISSION IS ACKNOWLEDGEMENT THAT YOU HAVE VISITED THE SITE AND UNDERSTAND THE SITE CONDITIONS.

eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION: The bidder or offeror must be a registered vendor in eVA to be awarded this contract.

The contract shall be awarded on a lump sum basis based on competitive negotiations.

Contractor registration in accordance with Section 54.1-1103 of the Code of Virginia, is required.

Step 3 – Receive the proposals and evaluate the proposals. Here is a recommended scoring system:

Pricing	50 points out of 100
Means, Methods, and Schedule	50 points out of 100

The Means, Methods, and Schedule is the contractor's understanding of the execution of the work and is the agency's opportunity to review the Means, Methods, and Schedule with the contractor prior to any award decision.

Perform competitive negotiation as described above.

Step 4 – Once a successful contractor has been selected, issue a Notice of Award CO9.1a and a Construction Contract CO9. The CO forms apply to state agencies and may be used by other public bodies or they may use their contract formats. Issue a purchase order in eVA.

Important File Facts:

- In all cases include all negotiation notes and decisions with your contract and purchase order.
- In all cases include your document on the selection of negotiation versus sealed bidding.
- Remember to issue a purchase order for the value of the contract in eVA.

NEGOTIATED PROCESS FOR SINGLE PROJECTS WITH AN ESTIMATED VALUE GREATER THAN \$50,000:

Step 1 – Select a minimum of 4 contractors from the pre qualified list for the services required.

Step 2 – Issue the standard invitation via fax or email to the selected firms. The minimum designated time for contractors to respond to the solicitation is 30 days. This critical as contractors need adequate time to prepare proper estimates.

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A MANDATORY/OPTIONAL PRE PROPOSAL CONFERENCE WILL BE HELD ---date, time, and location---. CONTRACTORS ARE RESPONSIBLE FOR VISITING THE SITE AND CONFIRMING THE WORK. YOUR SUBMISSION IS ACKNOWLEDGEMENT THAT YOU HAVE VISITED THE SITE AND UNDERSTAND THE SITE CONDITIONS.

eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION: The bidder or offeror must be a registered vendor in eVA to be awarded this contract.

The contract shall be awarded on a lump sum basis based on competitive negotiations.

Contractor registration in accordance with Section 54.1-1103 of the Code of Virginia, is required.

Step 3 – Receive the proposals and evaluate the proposals. Here is a recommended scoring system:

Pricing	50 points out of 100
Means, Methods, and Schedule	50 points out of 100

The Means, Methods, and Schedule is the contractor's understanding of the execution of the work and is the agency's opportunity to review the Means, Methods, and Schedule with the contractor prior to any award decision.

Perform competitive negotiation as described above.

Step 4 – Once a successful contractor has been selected, issue a Notice of Award CO9.1a and a Construction Contract CO9. If the contract has a value greater than \$100,000 then the Bonds CO10 and CO10.1 shall be completed by the contractor. The CO forms apply to state agencies and may be used by other public bodies or they may use their contract formats. Issue a purchase order in eVA.

Important File Facts:

- In all cases include all negotiation notes and decisions with your contract and purchase order.
- In all cases include your document on the selection of negotiation versus sealed bidding.
- Remember to issue a purchase order for the value of the contract in eVA.

SPECIAL TERMS AND CONDITIONS

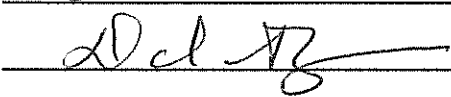
1. **AWARD TO MULTIPLE OFFERORS:** Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals on the basis of the evaluation factors included in the Request for Proposals, including price, if so stated in the Request for Proposals. Negotiations shall be conducted with the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the agency shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. The Commonwealth reserves the right to make multiple awards as a result of this solicitation. The Commonwealth may cancel this Request for Proposals or reject proposals at any time prior to an award, and is not required to furnish a statement of the reasons why a particular proposal was not deemed to be the most advantageous (*Code of Virginia, § 2.2-4359D*). Should the Commonwealth determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror. The award document will be a contract incorporating by reference all the requirements, terms and conditions of the solicitation and the contractor's proposal as negotiated.
2. **RENEWAL OF CONTRACT:** This contract may be renewed by the Commonwealth from the date of award for (two years) with (3 successive one year periods) under the terms and conditions of the original contract except as stated in 1. below. Price increases may be negotiated only at the time of renewal. Written notice of the Commonwealth's intention to renew shall be given approximately 90 days prior to the expiration date of each contract period.
 1. If the Commonwealth elects to exercise the option to renew the contract for an additional one-year period, the contract price(s) for the additional one year shall not exceed the contract price(s) of the original contract increased/decreased by more than the percentage increase/decrease of the Services category of the CPI-W section of the Consumer Price Index of the United States Bureau of Labor Statistics for the latest twelve months for which statistics are available.

IN WITNESS WHEREOF, the parties have caused this Contract to be duly executed intending to be bound thereby.

CONTRACTOR:

Name of Company: TECHSYS POWER INTERNATIONAL, LLC

Title of Person Signing: GENERAL MANAGER

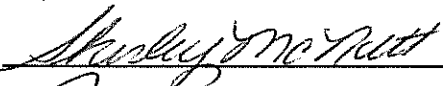
Signature: 

Contractors #: 2705 132581A

Address: PO BOX 190
PATRICK SPRINGS, VA
24133

FOR THE OWNER:

Name of Agency: Department of General Services

Signature: 

Title of Person Signing: Procurement Mgr. WCO

Address: 203 Governor Street, Room 100P
Richmond, VA 23219



COMMONWEALTH of VIRGINIA

Department of General Services

Richard F. Sliwoski, P.E.
Director

Joe F. Damico
Deputy Director

1100 Washington Street
Suite 420
Richmond, Virginia 23219-3402
Voice/TDD (804) 786-3311
FAX (804) 371-8305

COMMONWEALTH OF VIRGINIA STANDARD CONTRACT DEB03012010—PCOND

This contract entered into this 11th day of June, 2010 by listed on the last page hereinafter called the "Contractor" and Commonwealth of Virginia, and the Department of General Services called the "Purchasing Agency."

WITNESSETH that the Contractor and the Purchasing Agency, in consideration of the mutual covenants, promises and agreements herein contained, agree as follows:

Pre-qualified Power Conditioning Contractor Pool

SCOPE OF CONTRACT: The Contractor shall provide the goods/services to the Purchasing Agency as set forth in the Contract Documents.

PERIOD OF PERFORMANCE: From July 1, 2010 through June 30, 2012 with three one year renewals.

The contract documents shall consist of:

- (1) This signed form;
- (2) The following portions of the Request for Proposal dated March 01, 2010
 - (a) The Statement of Needs,
 - (b) The General Terms and Conditions,
 - (c) The Special Terms and Conditions together with any negotiated modifications of those Special Conditions;
 - (d) The CO7 Terms and Conditions of the Construction Contract
- (3) The Contractor's CO-16 and the following process instructions for use of the contract:

Instructions to Agencies

Special Terms and Conditions

PROCESS FOR AGENCIES

The following items apply to this contract for state agencies: Web link for the forms
<http://www.dgs.state.va.us/FormsCenter/DEBForms/tabid/826/Default.aspx>

GENERAL CONDITIONS & FORMS

General Conditions of the Construction Contract	CO-7
Supplemental General Conditions	
Listing of Required Structural and Special Inspections	CO-6b
Contract Between Owner and Contractor	CO-9
Workers Compensation Certificate of Insurance	CO-9a
Standard Performance Bond,	CO-10
Standard Labor and Material Payment Bond	CO-10.1
Construction Change Order	CO-11
Change Order Estimate (General Contractor)	GC-1
Change Order Estimate (Subcontractor)	SC-1
Change Order Estimate (Sub-subcontractor)	SS-1
Schedule of Values and Certificate for Payment	CO-12
Affidavit of Payment of Claims	CO-13
Contractor's Certificate of Substantial Completion	CO-13.2a
Contractor's Certificate of Completion	CO-13.2

**PROCUREMENT PROCESS FOR USING THE PRE-QUALIFIED POWER CONDITIONING CONTRACTORS LIST
AS SOLICITED BY THE DEPARTMENT OF GENERAL SERVICES, DIVISION OF ENGINEERING AND BUILDINGS**

CONTRACT RESTRICTED TO PUBLIC BODIES TO WORK ESTIMATED AT \$500,000 OR LESS PER PROJECT (TASK ORDER)

COMPETITIVE NEGOTIATION PROCESS FOR THE PREQUALIFIED POWER CONDITIONING CONTRACTOR POOL

Pertinent Code of Virginia:

§ 2.2-4303:

"D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

2. By any (a) public body for the construction, alteration, repair, renovation or demolition of buildings when the contract is not expected to cost more than \$1 million and (b) local governing body on a fixed price design-build basis or construction management basis under § 2.2-4308 when the contract is not expected to cost more than \$1 million"

Documentation for the File:

Here is sample wording to use for documenting your procurements of construction services under this contract:

The Code of Virginia Section 2.2-4303 allows for the use of competitive negotiation for soliciting construction services based a written determination made by the agency. This letter is to document this determination.

Generally, the primary advantage to utilizing this pre-qualified pool of vendors for small jobs will

be the ability to expedite procurement since a portion of the procurement process has already been completed. The negotiated process utilizes a pre-qualified pool of contractors whose qualifications have been reviewed and are certified with DMBE as SWaM contractors therefore meeting the requirements of EO33.

This process will expedite the delivery of the services to the agency, allow for the work to begin earlier, and allow for the agency to refine the costs since this will be an open book pricing scenario. Due to use of competitive negotiation, the agency will be able to review and discuss the cost of the project and work with the contractor and design team to assure that all elements of the project are addressed before a contract is signed or construction begins.

This process should greatly reduce change orders and misunderstandings in the work to be performed. This process of using a pre-qualified pool will also reduce the cost to the agency for newspaper advertising and reproduction costs of design documents. This process will also allow for quicker delivery of the work, especially when critical.

Competitive Negotiation Process:

For the purposes of the contract competitive negotiations shall be conducted as described in Code of Virginia § 2.2-4301:

"b. Procurement of other than professional services. Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror."

NEGOTIATED PROCESS FOR SINGLE PROJECTS WITH AN ESTIMATED VALUE LESS THAN \$50,000:

Step 1 – Select a minimum of 2 contractors from the pre qualified list for the services required.

Step 2 – Issue the standard invitation via fax or email to the selected firms. The minimum designated time for contractors to respond to the solicitation is 21 days. This critical as contractors need adequate time to prepare proper estimates. Here is sample wording for the invitation:

Sealed proposals are invited to furnish and install ----- in accordance the documents and specifications which are available for pick up or at the conference. [agency to choose process for distribution of plans]

The project is generally described as...

Sealed proposals will be received at the Facilities Office located ---provide street address, floor no. suite, etc.--- on ---date and year---. Proposals are to the attention of person and title. The deadline for submitting bids is 2:00 P.M. sharp, as determined by the Contracting Officer.

A MANDATORY/OPTIONAL PRE PROPOSAL CONFERENCE WILL BE HELD ---date, time, and location---. CONTRACTORS ARE RESPONSIBLE FOR VISITING THE SITE AND CONFIRMING THE

WORK. YOUR SUBMISSION IS ACKNOWLEDGEMENT THAT YOU HAVE VISITED THE SITE AND UNDERSTAND THE SITE CONDITIONS.

eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION: The bidder or offeror must be a registered vendor in eVA to be awarded this contract.

The contract shall be awarded on a lump sum basis based on competitive negotiations.

Contractor registration in accordance with Section 54.1-1103 of the Code of Virginia, is required.

Step 3 – Receive the proposals and evaluate the proposals. Here is a recommended scoring system:

Pricing	50 points out of 100
Means, Methods, and Schedule	50 points out of 100

The Means, Methods, and Schedule is the contractor's understanding of the execution of the work and is the agency's opportunity to review the Means, Methods, and Schedule with the contractor prior to any award decision.

Perform competitive negotiation as described above.

Step 4 – Once a successful contractor has been selected, issue a Notice of Award CO9.1a and a Construction Contract CO9. The CO forms apply to state agencies and may be used by other public bodies or they may use their contract formats. Issue a purchase order in eVA.

Important File Facts:

- In all cases include all negotiation notes and decisions with your contract and purchase order.
- In all cases include your document on the selection of negotiation versus sealed bidding.
- Remember to issue a purchase order for the value of the contract in eVA.

NEGOTIATED PROCESS FOR SINGLE PROJECTS WITH AN ESTIMATED VALUE GREATER THAN \$50,000:

Step 1 – Select a minimum of 4 contractors from the pre qualified list for the services required.

Step 2 – Issue the standard invitation via fax or email to the selected firms. The minimum designated time for contractors to respond to the solicitation is 30 days. This critical as contractors need adequate time to prepare proper estimates.

Here is sample wording for the invitation:

Sealed proposals are invited to furnish and install ----- in accordance the documents and specifications which are available for pick up or at the conference. [agency to choose process for distribution of plans]

The project is generally described as...

Sealed proposals will be received at the Facilities Office located ---provide street address, floor no. suite, etc.--- on ---date and year---. Proposals are to the attention of person and title. The deadline for submitting bids is 2:00 P.M. sharp, as determined by the Contracting Officer.

A MANDATORY/OPTIONAL PRE PROPOSAL CONFERENCE WILL BE HELD ---date, time, and location---. CONTRACTORS ARE RESPONSIBLE FOR VISITING THE SITE AND CONFIRMING THE WORK. YOUR SUBMISSION IS ACKNOWLEDGEMENT THAT YOU HAVE VISITED THE SITE AND UNDERSTAND THE SITE CONDITIONS.

eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION: The bidder or offeror must be a registered vendor in eVA to be awarded this contract.

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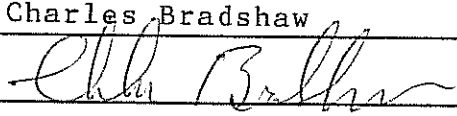
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IN WITNESS WHEREOF, the parties have caused this Contract to be duly executed intending to be bound thereby.

CONTRACTOR:

Name of Company: Triangle Electric Corporation

Title of Person Signing: Charles Bradshaw

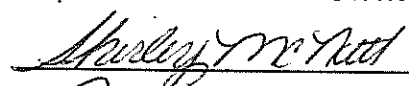
Signature: 

Contractors #: 2701 011791A

Address: 560 Bouldin Road
Ridgeway Va. 24148

FOR THE OWNER:

Name of Agency: Department of General Services

Signature: 

Title of Person Signing: Shirley M. Neal, VCCO

Address: 203 Governor Street, Room 100P
Richmond, VA 23219